

Good morning, I am Leigh Estabrook, Dean of the Graduate School of Library and Information Science at the University of Illinois at Urbana-Champaign. For almost three years, our faculty have offered the master's degree in library and information science using Internet technologies and very brief periods of time on campus. Courses are delivered desktop to desktop computer. Students from as far away as Japan, the Virgin Islands and Alaska are involved in classes using both synchronous and asynchronous methods of communication. (I believe you saw a demonstration of this in Washington, D.C. last week.) Our methods of teaching begin by asking faculty about their pedagogical goals and what they need to make the distance learning as rich and challenging as face-to-face on campus learning. Each course is different. We do not have "canned" courses.

To support the educational needs of our students, many of whom live in remote areas with limited library materials, the School has an online reserve system of scanned articles parallel to the onshelf system in the library. Access to the electronic articles is password protected and limited to faculty and enrolled students the semester in which the course assigns these articles. All users must read and accept fair use restrictions each time she or he uses the electronic reserves.<sup>1</sup> Lectures from faculty and guests are taped and made available on the web. Materials to be "shown" in class, for example picture books in a children's

---

<sup>1</sup> The Copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyright material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction not be "used for any purposes other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

literature class, are scanned for use, but again archived and available only for the duration of the course. Professors end up with the same needs for spontaneity that they have in face-to-face teaching--a faculty member in a management course may see an article in the Wall Street Journal, for example, that they want their students to read for a discussion that class day.

The need for an archival record of even synchronous sessions is driven both by the state of technology and the particular life circumstances of distance students. The technology, particularly connectivity, remains unstable. This is not only true for our student in Medellin, Columbia whose internet connections has failed more than 1/2 the time; but also for students in rural Illinois. The first year we offered this program a student in her first semester was stranded without a local Internet Service Provider when the only local provider went out of business. Our students miss class at times also because of life circumstances. For many of our students learning at a distance, education is their third shift. They work full time, many have families and most of those are families with small children who get sick, break bones or even compete for time on the family computer. An archived record of class sessions, including those that used copyrighted materials, is an important tool for make-up and review. There is no one sharing the dormitory who can lend them notes. They are fully dependent on the content of materials on the web, materials they need to use at different times and often for multiple use when they are reviewing and studying. A student uses few web materials only once.

In preparing for this meeting, I asked our distance students to tell me how they feel their education would be affected by narrower interpretations of fair use. Here is just one example:

---

*Hi Leigh, A few quick thoughts come to mind.*

*First of all without access on-line to articles (including the wonderful on-line reserves) for reference and research, my education via LEEP would be severely hampered. Financial and time constraints would prohibit me from requesting, seeking and/or viewing the bulk of articles I now review for my studies...Lectures would also be hampered without the ability to tie in articles for discussion. In a live classroom situation articles and books can be shared and readily discussed. Not so, in an on-line virtual classroom.*

*A direct experience I had with copyright clearance requests, was in a class where (the instructor) assigned us a project to develop a web page directory. Since I am a Youth Services Librarian, I decided to do a map of the United States, which had prominent children's museums' logos available for children to click on and access via the Internet. He, rightfully so, made it clear that anything we put on our pages must first be given clearance. I e mailed to twenty some children's museums, and only six responded favorably and wished me well. The amount of time and effort to secure six clearances was quite extensive, especially considering this was a summer course....*

*In case you have forgotten 8-), I live on an island in Alaska, population about 8500. We have one public library, where I work, and one small college library. (Sheldon Jackson College)*

Let me conclude by mentioning what we do to try to assure that our students respect intellectual property rights. It is not only the individual instructor who handles situations such as that mentioned above. All students, faculty and staff at our school are required to sign an agreement to abide by a set of acceptable computer use practices. In the core master's level course on

historical, social and ethical issues in the field, intellectual property is a major unit--at present requiring an analysis of the case of American Geophysical Union et.al. v. Texaco Incorporated. We recognize that publishers would prefer to provide access to our students through a licensing arrangement, rather than the system we have now. Our experience of three years in a comprehensive distance education program leads us to believe that we must retain the ability to reuse materials as often as necessary--without economic penalty-- during the semester we are teaching. We also find that faculty and students must both be able to use materials spontaneously to further learning.